

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

JOSEPHAT HENRY, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
ST. CROIX ALUMINA, LLC, et al.	:	NO. 1999-0036

ORDER

AND NOW, this 3rd day of June, 2008, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the joint motion of defendants St. Croix Alumina, L.L.C., Alcoa, Inc., and Glencore Ltd. to decertify the class of plaintiffs under Rule 23(b)(3) of the Federal Rules of Civil Procedure [1248] is GRANTED;

(2) the motion of plaintiffs for class certification [1250] is GRANTED in part and DENIED in part;

(3) the following class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is hereby certified:

All persons who currently reside, work, and/or own property in the projects of Harvey and Clifton Hill and the estates of Barren Spot, Profit, Clifton Hill, and La Reine who, because of the presence of bauxite and red mud on the St. Croix Alumina Refinery Plant property due to defendants' conduct, could suffer personal injuries or property damage in the future as a result of exposure to that bauxite and red mud;

(4) plaintiffs Josephat Henry, Sylvia Browne, Maud Drew, Martha Acosta, Wilhelmina Glasgow, Mercedes Rosa, Amado

Rodriguez, George Rodriguez (personally, and as representative of minor George E. Rodriguez), Sonya Cirilo, and Neftali Camacho (personally, and as representative of minor Angel Javier Camacho) are appointed as Class Representatives; and

(5) Laura Baughman and Scott Summy of Baron & Budd, P.C.; Lee J. Rohn of the Law Offices of Lee J. Rohn; and Gordon C. Rhea of Richardson, Patrick, Westbrook & Brickman, L.L.C. are appointed as Class Counsel.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III C.J.
SITTING BY DESIGNATION